IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11349 of 2004

Between:

Kotamsetti Naga Raghava, S/o. Surya Rao.
Turpu Pakalu Village, Peddapuram Mandal,
East Godavari.

..... PETITIONER

AND

1 The State of A.P., Rep. Secretary,
Panchayat Raj Dept., Secretariat Buildings,
Hyderabad.
2 Revenue Division Officer, RDO Office,
Peddapuram Mandal, East Godavari.
3 Peddapuram Mandal Parishad, Rep. MPDO Peddapuram Mandal,
East Godavari.

4. Vemana Veerraju S/o. Sri Venkata Rao

MPTC member R/o. Thurpur Pakalu, Marlava,

Peddapuram Mandal, E.G.District

(Impleaded respondent vide order dt 9-7-2004) R**ESPONDENT(S)**

Petition under Article 226 of the constitution ofIndia praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue the writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing impugned notice under Section 245(1) of the A.P.Panchayat Raj Act 1994 vide proceedings, Ref.No.1, 1593/2004 dated 24/06/2004, fixing the date of meeting on 13/07/2004 at 11.A.M. at the office of the Mandal Parishad Peddapuram is illegal, highly arbitrary and contrary to the Rules and provisions of the Act as well as the Constitution of India and consequently set aside the same

For the Petitioner:MRS.D.GEETHA -ADVOCATE

For the Respondents 1 & 2 : GP FOR PANCHAYAT RAJ & RURAL DEV.

For the respondent No.3:

For the respondent NO. 4: Mr.N.Siva Reddy-Advocate

The Court at the stage of admission made the Following :

ORDER:

The present writ petition is filed questioning the action of the second respondent in issuing impugned notice under section 245(1) of the A.P.Panchayat Raj Act, 1994 vide proceedings dated 24-6-2004 fixing the date of meeting on 13-7-2004 at 11-00 A.M. at the office of Mandal Parishad, Peddapuram.

The petitioner herein alleges that he along with 5 other M.P.T.C. members were abducted by Mandal President Gopu Atchuta Ramayya on 1-7-2004 and that the petitioner herein has escaped from the said illegal custody and said to have made a complaint before the Peddapuram police which was registered as Crime No. 117 of 2004 under section 366, 344, 506 read with 34 of IPC and same is under investigation and the culprits are absconding. It is further alleged that five M.P.T.C. members are still under the custody of said Gopu Atchuta Ramayya and that the form II notice was fabricated and delivered to second respondent stating that some of the members convened a special meeting and passed a resolution expressing their willingness to move a motion of confidence in him. It is stated that the second respondent has issued the impugned notice dated 24-6-2004 fixing the meeting of the Mandal Parishad on
13-7-2004 to consider the motion of no-confidence. Questioning the said notice on various grounds, the present writ petition is filed.

Learned counsel for petitioner submitted that some of the members of the M.P.T.C. are kidnapped and still in custody of the Mandal President and that a complaint was lodged by the petitioner which was registered as Crime No. 117 of 2004 and that without taking steps for release of the said members, the respondents are

proceeding with the meeting to consider the motion of no confidence.

Heard the learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Mr.N.Siva Reddy for fourth respondent.

In the affidavit filed by the impleaded petitioner, who was impleaded as 4th respondent, the allegations made in the writ petition with regard to kidnap of five M.P.T.C. members, is denied. It is also stated that the President of the Mandal Parishad is acting contrary to public interest, and as such the 4th respondent and nine other members submitted a notice to the Revenue Divisional Officer on 23-6-1004 expressing intention to move a no confidence motion against the President, and in pursuance thereof, the Revenue Divisional Officer issued the impugned notice dated 24-6-2004 convening the meeting on 13-7-2004.

In the circumstances of the case, I see no reason to interfere with the meeting scheduled to be held on 13-7-2004 to consider the motion
of no confidence. However, since allegation of kidnap of certain members of M.P.T.C was made, the Revenue Divisional Officer is directed to enquire into the matter and take appropriate action in accordance with law.

Subject to above observation, the present writ petition is disposed of. No costs.

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N.V.RAMANA,J

09-07-2004

TVK

To

1 The State of A.P., Rep. Secretary,
Panchayat Raj Dept., Secretariat Buildings,

Hyderabad.

2 Revenue Division Officer, RDO Office,
Peddapuram Mandal, East Godavari.

3 Peddapuram Mandal Parishad, Rep. MPDO Peddapuram Mandal,
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4. Vemana Veerraju S/o. Sri Venkata Rao

MPTC member R/o. Thurpur Pakalu, Marlava,

Peddapuram Mandal, E.G.District

(Impleaded respondent vide order dt 9-7-2004)

5. .2CCs to G.P. for Panchayat Raj, High Court of A.P., HYD

6. .2CD copies

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